REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-11, 13-28, and 30-40 are presently active in this case, Claims 1, 11, 21, and 28 having been amended by way of the present Amendment. The Applicant respectfully requests entry of the amendments set forth herein as they are believed to place the application into condition for allowance.

In the outstanding Official Action, Claims 1, 3-11, 13-28, and 30-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levi (U.S. Patent No. 6,636,983) in view of Abe (U.S. Patent App. Pub. No. 2002/0054316). For the reasons discussed below, the Applicant requests the withdrawal of the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness cannot be established in the present case because (1) the references, either when taken singularly or in combination, do not teach or suggest all of the claim limitations, and (2) there is no suggestion or motivation to modify the references to arrive at the present invention.

Claim 1 of the present application advantageously recites a peripheral device

comprising, among other features, means provided in the peripheral device for selecting one peripheral device out of the plurality of peripheral devices, including peripheral devices other than the peripheral device, to manage the peripheral devices. Claim 11 recites a system comprising, among other features, means provided in each peripheral device for selecting one peripheral device out of the plurality of peripheral devices, including peripheral devices other than the peripheral device, to manage the plurality of peripheral devices. Claim 21 recites a method comprising, among other steps, the step of using a peripheral device of the plurality of peripheral devices to select one peripheral device out of the plurality of peripheral devices, including peripheral devices other than the peripheral device, to manage the peripheral devices. And Claim 28 recites a computer program product comprising, among other features, a second computer code device configured to select the one peripheral device out of the plurality of peripheral devices, including peripheral devices other than the peripheral device, to manage the peripheral devices. The Applicant submits that the above features are not disclosed or suggested by the cited references.

The Official Action acknowledges that the Levi reference fails to teach means provided in the peripheral device for selecting one peripheral device out of a plurality of peripheral devices to manage the peripheral devices. The Official Action cites the Abe reference for such a teaching, and specifically cites paragraphs [0151] and [0152] for such a teaching.

The cited portion of the Abe reference describes what device serves as the cluster system controller for controlling the system for cluster operation. More specifically, the Abe

reference indicates two scenarios, namely, one in which a device that is being utilized acts as the cluster system controller, and another in which the device management server (320) functions as the cluster system controller. Regarding the first scenario, paragraph [0151] indicates that "one multi-function device of facsimile reception or one multi-function device that has read an original to be copied serves as a cluster system controller for controlling the system for clustering operation." Thus, the choice of which device functions as the cluster system controller is determined solely by which one receives a facsimile or which one reads a document to be copied. Once the cluster system controller is determined, the Abe reference indicates that "[i]n this case, the multi-function device that serves as a controller selects the multi-function device for use to output the data by referring to the device information possessed by the device management server 320, and transmits the data to the selected device to output the data." Thus, the cluster system controller controls the operation of a device that will be used to output the data.

The Applicant notes, based on the teachings in paragraphs [0151] and [0152] of the Abe reference, that the determination regarding which multi-function device acts as the cluster system controller is dependent solely upon which multi-function devices initially receives the data from the user. Once the data is received and the multi-function device that receives that data is set as the cluster system controller, the controller controls the operation of a device for outputting the data. However, the Abe reference does not disclose means provided in the peripheral device for selecting one peripheral device out of the plurality of peripheral devices, including peripheral devices other than the peripheral device, to manage

the peripheral devices, as claimed in the present application. For example, the selection of a multi-function device in the Abe reference that manages the other devices, can only be the multi-function device that initially receives the data (or the device management server, which is not a peripheral device). For example, the selection of a multi-function device in the Abe reference that manages the other devices, can only be the multi-function device that initially receives the data (or the device management server, which is not a peripheral device). In other words, the multi-function device that initially receives the data cannot select among all of the multi-function devices, another multi-function device to act as the cluster system controller. Rather, in the Abe reference, the multi-function device that initially receives the data is automatically set as the cluster system controller.

The present invention advantageously allows a peripheral device to select amongst the plurality of peripheral devices, including the other peripheral devices, a peripheral device that acts as the manager based on a variety of criteria. By way of illustration and not limitation, the specification describes an embodiment in which the selection is based on criteria such as CPU performance of the individual peripheral devices, memory size, average load, etc. (Page 4, paragraph [0024].) Thus, the present invention allows for the optimization of the management function of the system. Such features are not disclosed or even suggested in the Abe reference or the Levi reference.

Accordingly, the Applicant submits that independent Claims 1, 11, 21, and 28 are not obvious in view of the combination of the Levi reference and the Abe reference, as these references, either when taken singularly or in combination, fail to disclose or even suggest the

limitations recited in the independent claims of the present application.

The dependent claims are considered allowable for the reasons advanced for the independent claims from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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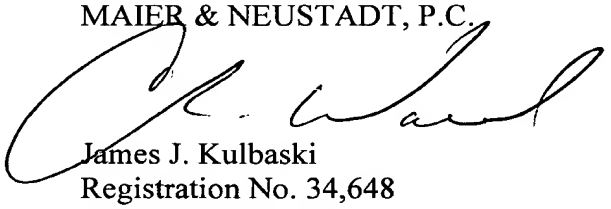

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